

U.S. v. Brian Coll et al.
Prepared Remarks for U.S. Attorney Preet Bharara
June 10, 2015

Good afternoon. My name is Preet Bharara, and I am the United States Attorney for the Southern District of New York.

Today, we announce more sad news out of Rikers Island. Specifically, we announce charges alleging a killing and a cover-up. Both relate to the untimely death of Ronald Spear, a Rikers Island inmate who died on December 19, 2012, after receiving a brutal beating.

Three men are charged. Brian Coll, a Rikers Island correction officer, is charged with violating Mr. Spear's civil rights under the U.S. Constitution by repeatedly kicking Mr. Spear in the head so hard that it caused bleeding in the brain. Mr. Spear died minutes after this violent assault.

The other two correction officers charged – Byron Taylor and Anthony Torres – are not accused of killing Mr. Spear. But, along with Coll, they are charged with trying to cover up the vicious attack by conspiring to file false reports and otherwise obstructing justice.

Anthony Torres has accepted responsibility for participating in a cover up. He has pled guilty to federal offenses; and he is cooperating with the Government.

Let me emphasize at the outset that the charges against the other two defendants, Coll and Taylor, are allegations only, and that both of these defendants are presumed innocent unless and until those allegations are proven beyond a reasonable doubt, which is what we intend to do.

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The events leading up to the death of Mr. Spear, as described in the Complaint, unfolded in the early morning hours of December 19, 2012.

At that time, the 52 year-old Mr. Spear resided in a medical unit on Rikers Island for very sick inmates in need of regular medical care. Mr. Spear, for his part, suffered from serious kidney disease and was being treated with dialysis.

This is the scene described in the Complaint unsealed today: At around 5:00 a.m. that morning, Mr. Spear got into an argument with Officer Coll about how soon the doctor could see him. Coll and Mr. Spear began to scuffle. Coll, by his own admission, punched Mr. Spear in his face and in his stomach. Officers Torres and Taylor saw and heard the commotion and intervened, bringing Mr. Spear to the floor, and holding him there, face down, with Mr. Spear's arms restrained behind his back.

Once Mr. Spear was restrained, that should have been the end of it. But tragically, it was not. As further alleged in the Complaint, after Mr. Spear was lying prone on the ground, Coll began kicking his defenseless victim in the head, again and again.

Torres, who was restraining Mr. Spear, screamed for Coll to stop, reaching his own hand out to protect Mr. Spear's head. But Coll allegedly kept kicking, even injuring his own fellow officer's right hand in the process.

When the beating finally stopped, Mr. Spear remained on the ground, moaning. Coll then allegedly grabbed Mr. Spear's head, told him to "remember I am the one who did this to you," and then dropped Mr. Spear's head to the ground.

Mr. Spear died there on the jail floor minutes later.

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That was the killing. Now let me talk about the cover-up. The alleged cover-up of this vicious crime began almost immediately.

As charged, the three correction officers involved in the incident – Coll, Taylor and Torres – and another correction officer who had witnessed the beating, promoted a false story, one in which Mr. Spear first attacked Coll with a cane, and one that omitted Coll's brutal assault of Mr. Spear after he had been restrained. And Coll, Torres and Taylor agreed to leave Taylor out of the incident altogether as alleged in the complaint.

As the Complaint alleges, they lied on the use of force reports filed on the day Mr. Spear died; they lied to the Department of Correction investigators; and lied to the Bronx District Attorney's Office who investigated Mr. Spear's death. And when Taylor came to testify before a federal grand jury in this district, he allegedly lied there too.

As further alleged in the Complaint, serious shortcomings in the way Rikers handled the aftermath of the death helped pave the way for the false story the defendants were pushing. For example, the defendants were repeatedly urged by others to file "consistent" use of force reports. And when no cane was found at the scene of the assault – raising serious questions about Coll's false claim that he had been attacked with a cane – a new cane was simply procured from the supply room and passed off as the cane recovered from the incident.

Officers Coll and Taylor may have thought they could get away with it by covering it up. As long as the officers' stories were consistent in blaming the victim – Mr. Spear – they thought people would simply drop it. People would not care enough about the Constitutional rights of an inmate.

But they were wrong. The FBI pursued it. And we pursued it.

As I have said before, Rikers inmates, although walled off from the rest of society, are not walled off from the protections of our Constitution. And no code of silence can keep them walled off or protect those correction officers who violate the inmates' rights.

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Let me be clear. Being a correction officer at Rikers Island is a tough and noble job. Most of the brave men and women serving as correction officers in New York City are dedicated public servants who would never think of brutally and without cause beating an inmate to his death. But when correction officers violate inmates' constitutional rights and when others cover for them – under some misguided notion of loyalty and camaraderie – they commit federal crimes. And we will hold them accountable.

These are hard cases to bring. Very hard. Without a video tape or a cooperating witness and where a cover-up or code of silence prevails, they can be impossible to bring. That is why everyone should commend the men and women standing up here today.

I am joined here today by our partners in this case, the Federal Bureau of Investigation, represented here today by Diego Rodriguez. I also want to thank all those at the FBI who have helped make today's case possible, including FBI Special Agents Rocky Warden and Vanessa Tibbits, as well as Supervisory Special Agent James Barnacle.

I also want to recognize the dedicated career prosecutors who worked so hard to make this case possible – Assistant United States Attorneys Brooke Cucinella and Jeannette Vargas, supervised by David Kennedy and Lara Eshkenazi, the co-chiefs of my Office's Civil Rights Unit, and Arlo Devlin-Brown, the chief of my office's Public Corruption Unit. Finally, I want to commend each of the Office's Criminal Investigators who assisted in this investigation, and in particular investigator Steve Braccini.